

VZCZCXRO7712  
RR RUEHAST RUEHDBU  
DE RUEHTA #0309/01 0360940  
ZNR UUUUU ZZH  
R 050940Z FEB 07  
FM AMEMBASSY ASTANA  
TO RUEHC/SECSTATE WASHDC 8367  
INFO RUEHVEN/USMISSION USOSCE 1682  
RUEHEK/AMEMBASSY BISHKEK 7850  
RUEHNT/AMEMBASSY TASHKENT 7798  
RUEHAH/AMEMBASSY ASHGABAT 7103  
RUEHDBU/AMEMBASSY DUSHANBE 1998  
RUEHMO/AMEMBASSY MOSCOW 1374  
RUEHAST/USOFFICE ALMATY  
RUEHNO/USMISSION USNATO 2178

UNCLAS SECTION 01 OF 02 ASTANA 000309

SIPDIS

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [PINR](#) [KZ](#)

SUBJECT: KAZAKHSTAN: ALMATY NOTES, FEBRUARY 2, 2007

REF: A. 06 ALMATY 2564, B. 06 ALMATY 2302

¶1. (U) The "Almaty Notes" series is intended to maintain focus on developments in civil society, the media, and the opposition in Kazakhstan's "southern capital" following the move of the Embassy to Astana.

"Shanyrak District Defenders" Stand Trial  
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¶2. (U) On January 12, the city court in Almaty began hearing the case of the 25 people accused of participating in the July 14, 2006, riots in the Shanyrak district of Almaty, popularly referred to as the "Shanyrak district defenders." (See Ref A for details. Residents clashed with police when local authorities attempted to demolish illegal residences; a policeman who was taken hostage and set on fire later died.) Seventeen of the accused have been in custody since July. Another eight were free on bail. The trial is expected to be lengthy, with the participation of 25 defendants and 175 victims. Four of the defendants, including the primary defendant Aron Yedigeyev (aka Atabek), have been charged with hostage-taking, murder, and organizing a riot.

¶3. (U) The January 12 hearing was held in the largest city courtroom. Many observers, including relatives and activists from opposition parties, were present. The court rejected motions requesting a jury trial and challenging the membership of the three-judge panel hearing the case. The chief judge questioned the accused about their party affiliation. Some observers alleged that this was done in an attempt to prevent the participation of public defenders in the proceedings.

¶4. (SBU) Alga party activist Alikhan Ramazanov told Pol FSN that, although they had denied it when questioned by the judge, some of the defendants were members of Alga. Alga hired seven lawyers to defend them and was trying to get permission for other representatives to participate in the case as public defenders. It also appears that some of the defendants are affiliated with national-patriotic movements, as well-known national activist Dos Koshim is also seeking permission to participate in the trial as a public defender.

¶5. (SBU) The second hearing was held on January 23. After their motion for a jury trial was denied for the second time, two of the accused -- Aron Atabek and Ayat Temirbay -- cut their own abdomens with knives in protest. (According to Alikhan Ramazanov, the two suspects suffered only minor injuries.) The hearing ended when bailiffs were unable to restore order in the courtroom. Proceedings resumed on January 25, amid increased security. Only journalists were allowed in the courtroom, but taking pictures and videotaping

was prohibited.

#### Hizb ut Tahrir Members in Almaty Detention Center

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¶16. (U) On January 23, a group of women picketed the Almaty pre-trial detention center demanding permission to see their husbands and brothers. The protesters, who said that they were members of Hizb ut Tahrir, said their relatives were among 70 members of the organization who had been detained six weeks earlier. The facility administration denied the request, and the local department of the National Security Committee declined to comment publicly on the case.

#### Opposition Presents Awards to Active Members

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¶17. (U) On January 19, opposition activists, mostly from the Alga Party, held a celebration in Almaty to announce the 2006 winners of the Freedom Prize established by the Democratic Choice of Kazakhstan movement in 2002. 2006 winners included Altynbek Sarsenbaiuly (murdered February 2006), Nurbulat Masanov (died October 2006), Kazis Toguzbayev (see para. 10), Yevgeniy Zhovtis (KIBHR chairman), Irina Savostina ("Pokoleniye" leader), and Alibek Zhumabayev (jailed FJK activist, Ref B). Independent journalist Yermurat Bapi, himself a winner of the prize in 2003, expressed regret that no one came to receive the prize on behalf of Sarsenbaiuly. Bapi stressed that, while the ceremony was organized by the Alga Party, former laureates had selected the 2006 winners.

¶18. (SBU) In conversation with Pol FSN, who attended the event, Bapi expressed his indignation over the failure of True Ak Zhol leaders to attend the ceremony. Bapi said they failed to show up because of

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the split in the opposition camp and differences between the True Ak Zhol leaders and Mukhtar Ablyazov, who is behind the Alga leader Asylbek Kozhakhmetov. Bapi also complained that other opposition leaders such as Zharmakhan Tuyakbay, Galymzhan Zhakiyanov (a co-founder of the Democratic Choice of Kazakhstan movement), and communist leader Serikbolsyn Abdildin also failed to show up. Only Ak Zhol Deputy Chairman Burikhan Nurmukhamedov attended the ceremony, which Bapi saw as an indicator of good relations between Mukhtar Ablyazov and Alikhan Baymenov.

#### True Ak Zhol Wants to Name Almaty Street after Sarsenbaiuly

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¶19. (U) According to a True Ak Zhol party press release, on January 18 the party's co-chairmen Bulat Abilov, Oraz Zhandosov, and Tulegen Zhukeyev met with the head of the Presidential Administration, Adilbek Dzhaksybekov. In his comments on the meeting, Tulegen Zhukeyev stressed that the only question raised in Astana was their request to rename a street in Almaty after the murdered opposition leader Altynbek Sarsenbaiuly. Zhukeyev added that because a year had passed since his death, the party activists had asked for a permission to hold a meeting in memory of Sarsenbaiuly in front of the Academy of Sciences in Almaty. "However, Dzhaksybekov expressed his doubts about the requests," Zhukeyev said.

#### Journalist Toguzbayev Receives Suspended Sentence

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¶110. (U) On January 22, the Bostandyk district court in Almaty found opposition journalist Kazis Toguzbayev guilty of insulting President Nursultan Nazarbayev's dignity and honor and gave him a two-year suspended sentence with two-year probation period. The court also found that in his articles, Toguzbayev gave a negative estimate of the political situation in the country and the actions of the president, and defamed the president by publishing false information. The false information included the following statement: "The President wants to suppress the case of Altynbek Sarsenbayev and he did it before this time. In a way, he is the killer."

¶111. (SBU) Opposition activists who came to the court to support

Toguzbayev were quite happy with the ruling. Some of them characterized the decision as a victory, because in issuing its ruling the court criticized the textual analysis performed by the National Security Committee. Tulegen Zhukeyev of True Ak Zhol told Pol FSN, who observed the trial, that they had expected a mild sentence due to the upcoming political reforms. He also added that they hoped for good results in the case with Bulat Abilov.

¶12. (U) In her comments to the press on the ruling, Tamara Kaleyeveva of the AdilSoz media freedom NGO said "It is good that he will remain free, but it is not a victory. It is bad that the court decided to convict. In this way not only Toguzbayev, but also many other journalists will be muzzled. Through this ruling we have been told that there are some taboos, and the taboo number one is the president's activities."

Social Democratic Party Registered  
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¶13. (U) On January 25, the Ministry of Justice registered the Social-Democratic Party founded by a former speaker of Parliament and opposition presidential candidate Zharmakhan Tuyakbay. On January 29, Tuyakbay held a press conference in Almaty to brief journalists on the registration. Tuyakbay stressed that the Social Democratic Party would continue to position itself as an opposition party. In his answer to a question about the Democratization Commission, Tuyakbay said the party could theoretically participate as an observer; he thought that the Commission had completed its work once it passed its recommendations to President Nazarbayev, however.

¶14. (SBU) After the press conference, Pol FSN talked to political scientist Andrey Chebotaryev about the registration decision. Chebotaryev said Kazakhstan was still seeking the OSCE chairmanship, and this was the main reason why the Social-Democrats were registered.

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